

**IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**GLADE SPRINGS VILLAGE PROPERTY  
OWNERS ASSOCIATION, INC.,  
a West Virginia non-profit corporation,**

**Plaintiff,**

**vs.**

**Civil Action No.: 19-C-357  
Presiding: Judge Reeder  
Resolution: Judge Lorensen**

**EMCO GLADE SPRINGS HOSPITALITY, LLC,  
a West Virginia limited liability company;  
ELMER COPPOOLSE, an individual;  
JAMES TERRY MILLER, an individual;  
R. ELAINE BUTLER, an individual; and  
GSR, LLC, a West Virginia limited liability company,**

**Defendants,**

**and**

**EMCO GLADE SPRINGS HOSPITALITY, LLC,  
a West Virginia limited liability company, and  
GSR, LLC, a West Virginia limited liability company,**

**Counterclaim Plaintiffs,**

**vs.**

**Civil Action No.: 19-C-357  
Presiding: Judge Reeder  
Resolution: Judge Lorensen**

**GLADE SPRINGS VILLAGE PROPERTY  
OWNERS ASSOCIATION, INC.,  
a West Virginia non-profit corporation**

**Counterclaim Defendant.**

**ORDER DISMISSING MOTION TO QUASH AND MOTION FOR PROTECTIVE  
ORDER AGAINST GSVPOA'S NOTICE OF VIDEOTAPED DEPOSITION OF KENT  
BURGER; NOTICE OF DEPOSITION OF J. NEFF BASORE; AND FIRST AMENDED  
NOTICE OF VIDEOTAPED 30(B)(7) DEPOSITION OF COOPER LAND  
DEVELOPMENT, INC. IN CIVIL ACTION NO. 21-C-129 AND SECOND AMENDED**

**NOTICE OF VIDEOTAPED 30(B)(7) DEPOSITION OF COOPER LAND  
DEVELOPMENT, INC. IN CIVIL ACTION NO. 19-C-357**

This matter came before the Court upon the Motion to Quash and Motion for Protective Order Against GSVPOA's Notice of Videotaped Deposition of Kent Burger; Notice of Deposition of J. Neff Basore; and First Amended Notice of Videotaped 30(b)(7) Deposition of Cooper Land Development, Inc. in Civil Action No. 21-C-129 and Second Amended Notice of Videotaped 30(b)(7) Deposition of Cooper Land Development, Inc. in Civil Action No. 19-C-357. The instant motion was filed August 19, 2022 by Defendants Elmer Coppoolse, James Terry Miller, and R. Elaine Butler, averring counsel for those Defendants was not available on the dates/times of the contested notices of deposition. On August 24, 2022, a Briefing Order was entered.

In its Response in Opposition to Defendant Justice Holdings LLC's Motion to Quash GSVPOA's Notices of Videotaped Deposition of Kent Burger, J. Neff Basore, and First Amended Notice of Videotaped 30(B)(7) Deposition of Cooper Land Development, Inc., Plaintiff, Glade Springs Village Property Owners Association, Inc., averred that the instant motion has now been rendered moot as the it voluntarily did not move forward with the contested depositions. *See* Pl's Resp., ¶16. No Reply was filed.

Finding that this matter appears to be resolved, the instant motion shall be DISMISSED as MOOT. The motion is dismissed without prejudice.


**CONCLUSION**

Accordingly, it is hereby ADJUDGED and ORDERED Defendants Elmer Coppoolse, James Terry Miller, and R. Elaine Butler's Motion to Quash and Motion for Protective Order Against GSVPOA's Notice of Videotaped Deposition of Kent Burger; Notice of Deposition of J. Neff Basore; and First Amended Notice of Videotaped 30(b)(7) Deposition of Cooper Land

Development, Inc. in Civil Action No. 21-C-129 and Second Amended Notice of Videotaped 30(b)(7) Deposition of Cooper Land Development, Inc. in Civil Action No. 19-C-357 is hereby DISMISSED WITHOUT PREJUDICE AS MOOT.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 9<sup>th</sup> day of November 2022.



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**Honorable Joseph K. Reeder**  
Judge of the West Virginia Business  
Court Division